

PATENT
ATTORNEY DOCKET NO: 09010/046001

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **METHOD OF DNA SHUFFLING WITH POLYNUCLEOTIDES PRODUCED BY BLOCKING OR INTERRUPTING A SYNTHESIS OR AMPLIFICATION PROCESS**, the specification of which

☐ is attached hereto.

☒ was filed on _____ as Application Serial No. _____ and was amended on _____.

☒ was described and claimed in PCT International Application No PCT/US97712239 filed on July 9, 1997 and as amended under PCT Article 19 on _____.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information I know to be material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56.

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09214545-092799
I hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Richard J. Anderson, Reg. No. 36,732; Joseph R. Baker, Reg. No. 40,900; Ingrid Beattie, Reg. No. 42,306; Robert M. Bedgood, Reg. No. P43,488; J. Eldora L. Ellison, Reg. No. 39,967; Peter Fasse, Reg. No. 32,983; Harold Fox, Reg. No. 41,498; Janis K. Fraser, Reg. No. 34,819; John W. Freeman, Reg. No. 29,066; Diane L. Gardner, Reg. No. 36,518; Lisa A. Haile, Reg. No. 38,347; Scott Harris, Reg. No. 32,030; John F. Hayden, Reg. No. 37,640; George Heibel, 42,648; John Land, Reg. No. 29,554; Ronald C. Lundquist, Reg. No. 37,875; Anita L. Meiklejohn, Reg. No. 35,283; Susan Alpert Siegel, Reg. No. 43,121; Reginald Suyat, Reg. No. 28,172; Y. Rocky Tsao, Reg. No. 34,054; Hans R. Troesch, Reg. No. 36,950; John R. Wetherell, Jr., Reg. No. 31,678; Dorothy P. Whelan, Reg. No. 33,814, of FISH & RICHARDSON P.C.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT International application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

COUNTRY	APPLICATION NO.	FILING DATE	PRIORITY CLAIMED
PCT	PCT/US97/712239	July 9, 1997	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Address all telephone calls to Lisa A. Haile, Ph.D. at telephone number 619/678-5070.

Address all correspondence to Lisa A. Haile, Ph.D., Fish & Richardson P.C., 4225 Executive Square, Suite 1400, La Jolla, CA 92037.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

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Full Name of Inventor: Jay M. Short

Inventor's Signature: Jay M. Short

Date: 5/19/99

Residence Address: 320 Delage Drive, Encinitas, CA 92024

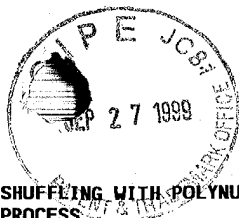
CA

Citizen of: USA

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09214545-092799

Applicant or Patentee: Jay M. Short
Serial or Patent No.:
Filed or Issued:
For:



ATTORNEY DOCKET NO. 09010/046001

METHOD OF DNA SHUFFLING WITH POLYNUCLEOTIDES PRODUCED BY BLOCKING OR INTERRUPTING A SYNTHESIS OR AMPLIFICATION PROCESS

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Small Business Concern: Diversa Corporation

Address of Small Business Concern: 10665 Sorrento Valley Road, San Diego, CA 92121

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled **METHOD OF DNA SHUFFLING WITH POLYNUCLEOTIDES PRODUCED BY BLOCKING OR INTERRUPTING A SYNTHESIS OR AMPLIFICATION PROCESS** by inventor(s) Jay M. Short described in

- ☐ the specification filed herewith.
☒ application serial no. , filed .
☐ patent no. , issued .

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e). NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Full Name: _____

Address: _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status when any new rule 53 application is filed or prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent on which this verified statement is directed.

Name: Jay M. Short. Ph.D.

Title: President, Chief Executive Officer and Chief Technology Officer

Address: Diversa Corporation, 10665 Sorrento Valley Road, San Diego, CA 92115

Signature:  Date: 5/19/99